

Dep & Ref  
Room # 307

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

GABERT

Atty. Ref.: 1721-21

Serial No. 09/530,363

TC/A.U.: 1637

Filed: May 1, 2000

Examiner: STRZELECKA

For: METHODS FOR DIAGNOSING IN VITRO PATHOLOGIES  
ASSOCIATED WITH GENE REARRANGEMENTS AND  
DIAGNOSIS KITS

\* \* \* \* \*

February 8, 2005

**Mail Stop 16**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**REQUEST FOR REFUND**

It is respectfully requested that the two month extension fee of \$430.00 paid with the Amendment After Final Rejection filed December 8, 2004 be refunded to the undersigned. When the noted Amendment was filed, the undersigned inadvertently paid the two month extension fee of \$430, when in fact the extension fee was not necessary since a Notice of Appeal and one month extension fee and extension petition were filed on October 8, 2004, extending the due date for responding to the Office Action of June 8, 2004 to December 8, 2004. A copy of the Amendment Cover Sheet and date-stamped postcard filed December 8, 2004 along with the Notice of Appeal Cover Sheet and date-stamped postcard filed October 8, 2004 are attached.

**Best Available Copy**

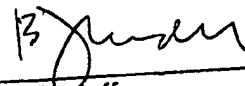
GABERT  
Serial No. 09/530,363

Accordingly, in view of the above and attached, the \$430.00 extension fee paid by the undersigned on December 8, 2004 is believed to be in error and a refund of the noted amount is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
B. J. Sadoff  
Reg. No. 36,663

BJS:pp  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

**Best Available Copy**



Serial No.: 09/530,363

Inventor/s: GABERT

Title: METHODS FOR DIAGNOSING IN VITRO  
PATHOLOGIES ASSOCIATED WITH GENE  
REARRANGEMENTS AND DIAGNOSIS KITS

C#/M#: 1721-21

Atty: B. J. Sadoff

Date: 10/8/2004

XX Notice of Appeal/Extension of Time

XX Correspondence Address Indication Form

\$ Fee (Check) - Pre-Bill

\$450.00 Fee (Check) - Non Pre-Bill

\$ 450.00 Total Fee Enclosed

Other:



Best Available Copy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

In re Patent Application of

GABERT

Serial No. 09/530,363

Filed: May 1, 2000

Title: METHODS FOR DIAGNOSING IN VITRO PATHOLOGIES ASSOCIATED WITH  
GENE REARRANGEMENTS AND DIAGNOSIS KITS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Atty Dkt.: 1721-21  
C# M#

TC/A.U.: 1637

Examiner: SPIEGLER

Date: October 8, 2004

COPY

Sir:

☒ Correspondence Address Indication Form Attached.

☒ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s). (\$ 340.00 ) \$ 340.00

☐ An appeal **BRIEF** is attached in triplicate in the pending appeal of the above-identified application (\$ 340.00) \$

☐ Credit for fees paid in prior appeal without decision on merits \$ ( )

☐ A reply brief is attached in triplicate under Rule 193(b) (no fee)

☒ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months; \$1530.00/4 months) \$ 110.00  
**SUBTOTAL** \$ 450.00

☐ Applicant claims "Small entity" status, enter 1/2 of subtotal and subtract  
☐ "Small entity" statement attached. **SUBTOTAL** \$ 450.00

Less month extension previously paid on \$ ( 0.00)

**TOTAL FEE ENCLOSED** \$ 450.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

Best Available Copy

888910

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER RULE 116  
EXPEDITED HANDLING PROCEDURES

In re Patent Application of

Atty Dkt. 1721-21  
C# M#

GABERT

TC/A.U. 1637

Serial No. 09/530,363

Examiner: SPIEGLER

Filed: May 1, 2000

Date: December 8, 2004

Title: METHODS FOR DIAGNOSING IN VITRO PATHOLOGIES ASSOCIATED WITH  
GENE REARRANGEMENTS AND DIAGNOSIS KITS

Corres. and Mail  
**BOX AF**

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

**Fees are attached as calculated below:**

Total effective claims after amendment	18	minus highest number			
previously paid for	20	(at least 20) =	0	x	\$ 18.00
					\$ 0.00

Independent claims after amendment	2	minus highest number			
previously paid for	3	(at least 3) =	0	x	\$ 88.00
					\$ 0.00

If proper multiple dependent claims now added for first time, add \$300.00 (ignore improper)		\$ 0.00
--	--	---------

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months)		\$ 430.00
--	--	-----------

Terminal disclaimer enclosed, add \$ 110.00		\$ 0.00
---	--	---------

<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790.00)		\$ 0.00
---	--	---------

☐ Please enter the previously unentered, filed  
☐ Submission attached

**Subtotal \$ 430.00**

If "small entity," then enter half (1/2) of subtotal and subtract		\$ 0.00
---	--	---------

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)		\$ 0.00
--	--	---------

Assignment Recording Fee (\$40.00)		\$ 0.00
------------------------------------	--	---------

Other:		0.00
--------	--	------

**TOTAL FEE ENCLOSED \$ 430.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:pp

NIXON & VANDERHUYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36871

Signature: 

2/09/2004 ZJUHAR1 00000016 141140 09530363  
1 FC:1252 20.00 DA 430.00 DP

Adjustment date: 03/28/2005 SDINERAI  
12/09/2004 ZJUHAR1 00000016 141140 09530363  
01 FC:1252 20.00 DP -430.00 DP

Repln. Ref: 03/28/2005 SDIRETAL 000952100  
DAH:141140 Name/Number:09530363  
FC: 9204

906570

**Best Available Copy**